

WEST VALLEY CITY, UTAH

ORDINANCE NO. 08-40

Draft Date: 8/12/2008
Date Adopted: _____
Date Effective: _____

AN ORDINANCE AMENDING SECTION 7-1-103 AND ENACTING CHAPTER 7-30 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING FOOD VENDING UNITS AND MOBILE FOOD VENDING VEHICLES.

WHEREAS, the rising number of food vending units and mobile food vending vehicles necessitates restrictions and regulations in the design and location of this use; and

WHEREAS, several different City departments, including the Fire Department, Planning and Zoning, Code Enforcement and Business Licensing coordinated to create restrictions and regulations to protect the public and the vendors; and

WHEREAS, the proposed restrictions and regulations are incorporated in Chapter 7-30 herein; and

WHEREAS, the City Council of West Valley City, Utah, hereby determines that it is in the best interest of the health, safety and welfare of the citizens of West Valley City to enact Chapter 7-30 of Title 7 of the West Valley City Municipal Code regarding food vending units and mobile food vending vehicles.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah, as follows:

Section 1. Repealer. Any provision of the West Valley City Code found to be in conflict with this Ordinance is hereby repealed.

Section 2. Amendment. Section 7-1-103 of Title 7 of the West Valley City Municipal Code is hereby amended to read as follows:

7-1-103. DEFINITIONS.

(87) "Food vending unit" means a unit that is manually pushed (cart) or pulled behind a vehicle (trailer) and is not motorized as to move on its own power, which remains stationary in one location, is temporary in nature and not placed in a permanent way on the property, which is used for the sale of food items for immediate consumption, including non-alcoholic beverages.

(8788) "Freeway" means a street with fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.

(8889) "Frontage" means all property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end streets, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

(8990) "Garage, Private" means a structure, enclosed by walls and a roof, accessory to a

residential dwelling which is intended primarily for the storage of private vehicles belonging to the residents of that dwelling. A private garage may either be attached to or detached from the dwelling. A garage is considered to be attached if the garage and dwelling have a roof or wall in common.

~~(9091)~~ "Garage, Public" means a building or portion thereof, other than a private garage designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

~~(9192)~~ "General Plan" means a document that the City has adopted, which sets forth general guidelines for proposed future development of the land within the City, as set forth in State law and City ordinances. The General Plan includes what is also commonly referred to as a "master plan."

~~(9293)~~ "Grade" means the natural grade, as established by the elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the adjacent property's natural grade. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for retaining walls, or abrupt differences in the visual slope and elevation of the land and not change the direction or flow of runoff water. For the purpose of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof. This measurement shall occur at any point within the building plane where height occurs. For buildings having no wall adjoining the street, the grade shall be the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not more than five feet from a street line are to be considered as adjoining a street.

~~(9394)~~ "Grading/Site Development Ordinance" means the West Valley City Grading/Site Development Ordinance as presently adopted and as amended in the future.

~~(9495)~~ "Home Child Care" means care for children who are non-family members in an occupied dwelling by the resident of that dwelling at least twice a week for more than three children, but fewer than seven children. The total number of children being cared for shall include children under the age of six years residing in the dwelling, who are under the supervision of the provider during the period of time the child care is provided. This definition shall not apply to care being provided strictly to family members. When a caregiver cares for only one child under age two, the group size, at any given time, shall not exceed six, except that one additional school age child may be cared for before and after school hours and on school holidays and during vacation periods; or when a caregiver cares for children who are all two years of age or older, the group's size shall not exceed six, except that two additional children of six years of age or older may be cared for before and after school hours and on school holidays and during vacations.

~~(9596)~~ "Home Occupation" means any lawful use conducted within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling and does not change the residential character. The home occupation typically allows the home to be used for receiving mail and maintaining a business telephone.

~~(9697)~~ "Home Preschool" means a preschool program for non-family members in an occupied dwelling, by residents of that dwelling, in which lessons are provided for not more than six children for each session of instruction. Sessions shall last for not more than four hours and shall not overlap. Individual children may attend only one preschool session in any 24-hour period.

~~(9798)~~ "Hospital" means an establishment that offers medical care more intensive than outpatient medical services and offers facilities and beds for use beyond a 24-hour period for individuals requiring diagnosis, treatment or cure for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy and which regularly makes available, among other things, clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical or other definitive medical treatment of similar extent.

~~(9899)~~ "Hotel" means a building designed for or occupied by five or more guests who are for

compensation lodged, with or without meals and in which no provision is made for cooking in any individual room or suite.

~~(99)~~**100** "Household Pets" means animals and/or fowl ordinarily permitted in the house and kept for company or pleasure such as dogs, cats, rabbits and/or canaries, including not more than two dogs or two cats over six months in age and not more than a total of four animals. Household pets do not include inherently or potentially dangerous animals, fowls or reptiles.

~~(100)~~**101** "Instructional Facilities" means facilities used for private commercial instruction in arts, crafts, physical fitness or other skills. Such skills may include, but are not limited to aerobics, ceramics/pottery, dance, gymnastics, martial arts, music or painting.

~~(101)~~**102** "Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc. Also, the size of buildings or structures, the most intense being higher, longer and/or wider.

~~(102)~~**103** "Intensive Retail Service" means a use engaged in providing retail sale, rental, service, processing, or repair of items primarily intended for consumer or household use, such as but not limited to the following: groceries, drugs, cards and stationery, notions, books, cosmetics and specialty items, plants, hobby materials, toys, handcrafted items, apparel, photography services, household electronic equipment, sporting equipment, small appliances, art supplies, paint and wallpaper, office supplies, hardware, and garden supplies, and automotive parts and accessories, excluding service and installation.

~~(103)~~**104** "Junk" means any salvaged, discarded, or scrapped copper, brass, iron, steel, metal, rope, rags, batteries, paper, trash, plastic, rubber, tires, waste, or other articles or materials commonly designated as junk; or dismantled, wrecked or inoperable motor vehicles or parts thereof.

~~(104)~~**105** "Junk Yard" means the use of any lot, portion of a lot, or tract of land for the sale, storage, keeping, or disassembly of junk or discarded or salvaged material, provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

~~(105)~~**106** "Kennel" means any place where 3 or more animals over six months of age are kept for the primary purpose of sale or for the boarding, care, or breeding of which a fee is charged or paid.

~~(106)~~**107** "Kennel, Sportsman's" means a kennel for the keeping of three to five dogs for noncommercial use which is located on a lot of at least one acre.

~~(107)~~**108** "Landscaping" means the improvement of property through the addition of plants and the eradication of weeds and other deleterious material. Landscaping includes trees and may also include a combination of shrubbery, lawn, and vegetative or non-vegetative permeable groundcover. These may be further complemented with earth berms, walls and fences, all harmoniously combined to produce an aesthetic effect appropriate for the intended use. Landscaping may be designed to enhance and preserve natural features of a site, to make land more attractive for residential or other uses, to screen unattractive uses, or to act as buffers to visually separate different types of uses.

~~(108)~~**109** "Less Intensive Retail Service" means, as used with respect to parking requirements, a retail sales use having more than 75 percent of the gross floor area used for display, sales, and related storage of bulky commodities, including furniture and large appliances, lumber and building materials, carpeting and floor covering, air conditioning and heating equipment, and similar goods, which uses have demonstrated low parking demand generation per square foot of gross floor area.

~~(109)~~**110** "Lot" means an individually described plot of land occupied, or capable of being occupied, by one building or group of buildings, together with such yards, open spaces and yard areas as are required by this Title and the Subdivision Ordinance, and having full frontage on and unrestricted access to a dedicated street.

~~(110)~~**111** "Lot, Corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

~~(111)~~**112** "Lot, Interior" means a lot other than a corner lot.

~~(112)~~**113** "Lot Line Adjustment" in a subdivision means the relocation of the property

boundary line between two adjoining lots with the consent of the owners of record, as long as no new dwelling lot or housing unit results from the relocation.

(113) "Lot Split" shall refer to the division of a property which may be divided into no more than two legal size lots.

(114) "Lot Width" means the distance between the side lot lines measured along a straight line at the minimum required front setback. The width of a corner lot is the lesser of the two distances from the abutting streets to the interior lot lines opposite those streets.

(115) "Major Street Plan" means the plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, which has been approved by the Planning Commission and City Council as provided in Title 10, Chapter 9, Sections 23 and 25, Utah Code Annotated 1953, as amended.

(116) "Manufacturer of Alcoholic Products" means to distill, brew, rectify, mix, compound, process, ferment or otherwise make an Alcoholic Product for personal use or for sale or distribution to others, except Brew Restaurants, Brew Restaurant and Liquor Retailers, and Small Brewers.

(117) "Minor Street" means a street for which the principal function is access to abutting land. Traffic movement is a secondary function.

(118) "Mobile food vending vehicle" means a fully enclosed motorized vehicle mounted food service establishment operated by a vendor standing within the frame of the vehicle which is used for the sale of food items for immediate consumption, including non-alcoholic beverages. This vehicle must move on its own power and is not manually pushed, pulled or towed by another vehicle.

(119) "Mobile Home" means a structure that is transportable in one or more sections, built on a permanent chassis and designed to be used without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

(120) "Mobile Home Park" means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

(121) "Mobile Home Space" means a plot of ground within a mobile home park which is designed for the accommodation of one mobile home.

(122) "Mobile Home Stand" means that part of a mobile home space which has been reserved for the placement of one mobile home with appurtenant structures or additions.

(123) "Mobile Home Subdivision" means a residential subdivision designed for the express purpose of offering lots under separate ownership for the placement of mobile homes.

(124) "Motorized outdoor recreation equipment" means motorized equipment, or equipment commonly using a motor, used in off road/recreational activities. This includes but is not limited to: boat, snowmobile, race car, dune buggy, ATV, water craft, off road motorcycle, etc.

(125) "Natural Drainage Course" means any natural watercourse which is open continuously for flow of water in a definite direction or course.

(126) "Natural Waterways" means those areas varying in width along streams, creeks, gullies, springs or washes which are natural drainage channels and in which areas no buildings shall be constructed.

(127) "Neighborhood Grocery" means a retail establishment with 5,000 square feet or less which offers the consumer food and other household products. Neighborhood markets may include in-store bakeries, fresh meat counters, and fresh produce, among other things. Neighborhood markets shall not include motor fuel sales.

(128) "Neighborhood Service Establishment" means low impact retail and service uses which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Such uses may include, but are not limited to, bakery, bookstore, dry cleaning, hair styling shops, ice cream shop, coin laundry, medical/dental clinics, pet shop, pharmacy, photography supply, shoe repair, tailor and the like.

(129) "Nonconforming Structure" means a structure that:

- (a) Legally existed before its current zoning designation; and
 - (b) Because of subsequent zoning changes, does not conform to the zoning regulation's setback, height restrictions, or other regulations that govern the structure.
- (129131) "Nonconforming Use" means a use of land that:
- (a) Legally existed before its current zoning designation;
 - (b) Has been maintained continuously since the time the zoning regulation governing the land changed; and
 - (c) Because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.
- (130132) "Official Map" means the public street map adopted by the City Council as provided in Title 10, Chapter 9, Sections 23 through 25, Utah Code Annotated 1953, as amended.
- (131133) "Off-Premises Beer Retailer" means a licensed place of business wherein beer is sold in original containers to be consumed off the premises in accordance with the Alcoholic Beverage Control Act and the West Valley City Code.
- (132134) "Open Storage" means storage of materials, debris, salvage, equipment, or vehicles in a space open to the sky.
- (133135) "Outdoor Recreation" means recreation uses which customarily occur in an outdoor, unenclosed area, and which may be commercial or noncommercial in nature. Such uses may include golf courses, equestrian trails and facilities, campgrounds, automobile or motorcycle racetracks, rodeo grounds, and other similar uses.
- (134136) "Overpressure" means a sudden increase in air pressure resulting from an above-ground explosion, traveling at the speed of sound, which may cause damage to buildings or structures in its path. Effects of overpressure would generally be reduced as distance from the source increases.
- (135137) "Owner" means the owner in fee simple of real property as shown in the records of the Salt Lake County Recorder's Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof.
- (136138) "Package Agency" means a retail liquor location operated under a contractual agreement with the Utah State Department of Alcoholic Beverage Control by a person other than the State who is authorized to sell package liquor for consumption off the premises of the Agency. Package agencies are generally operated as an accessory use to a restaurant or private club.
- (137139) "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same owner.
- (138140) "Parking Lot" means an open area, other than a street, used for parking of five or more automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
- (139141) "Parking Space" means a space within a building, lot or parking lot for the parking or storage of one automobile, recreation vehicle or motorized outdoor recreation equipment unit.
- (140142) "Pawnbroker" means any person who loans money on deposit of personal property or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells the unredeemed pledges, together with such new merchandise as will facilitate the sale of same.
- (141143) "Permanent Cosmetics" means a mark or design made on or under the skin by a process of pricking or ingrainig an indelible pigment, dye, or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the natural line of the feature and shall be limited to eyeliner, eyebrows or lip coloring procedures only.
- (142144) "Permanent Cosmetic Establishment" means an establishment engaging in permanent cosmetics as a secondary use to an establishment employing Cosmetologist/Barber(s),

Esthetician(s), Electrologist(s), or Nail Technician(s) licensed by the State under 58-11a-101, et seq., Utah Code Annotated 1953 as amended, excluding tattoo establishments and home occupations.

(~~143~~145) "Permitted Use" means a specific use authorized in a particular zone which does not require Planning Commission review and approval.

(~~144~~146) "Person" means any individual, firm, trust, partnership, public or private association or corporation.

(~~145~~147) "Planned Unit Development" means an integrated design for development of residential, commercial or industrial uses, or combination of such uses, in which one or more of the regulations, other than use regulations, of the District in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in this Title. A planned unit development may be:

(a) The development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and/or aesthetic uses;

(b) The conservation or development of desirable amenities not otherwise possible by typical development standards; and

(c) The creation of areas for multiple use that are of benefit to the neighborhood.

(~~146~~148) "Planning Commission" means the West Valley City Planning Commission.

(~~147~~149) "Preliminary Plat" means the initial map of a proposed land division or subdivision required only for major subdivisions.

(~~148~~150) "Primary Use" means the principal use for which a property may be utilized as allowed by this Title. A building which houses a primary use is considered to be the primary building.

(~~149~~151) "Private Club" means a social club, recreational or athletic association or kindred association, incorporated or not, which maintains clubrooms, regular meeting rooms or facilities within the City limits, restricts such facilities and activities to a clientele or group other than the general public and operates under the provisions of Chapter 5, Title 32A, U.C.A., 1953, as amended, the Alcoholic Beverage Control Act (ABCA) and the West Valley City Code

(~~150~~152) "Private Nonprofit Club" means a social club, recreational, fraternal, athletic or kindred association incorporated and regulated under the provisions of Chapter 6, Title 16, U.C.A. 1953, as amended, the Utah Liquor Control Act, and the West Valley City Code.

(~~151~~153) "Private Nonprofit Recreational Grounds and Facilities" means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act or a corporation sole.

(~~152~~154) "Protection Strip" means a strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.

(~~153~~155) "Public Park" means a park, playground, swimming pool, golf course or athletic field within the City, which is under the control, operation or management of the State, a State agency, the County or West Valley City.

(~~154~~156) "Public Utility" means every common carrier, gas corporation, electrical corporation, wholesale electrical cooperative, telephone corporation, telegraph corporation, water cooperation, sewerage corporation, heat corporation, or independent energy producer where a service is performed for, or a commodity delivered to the public generally.

(~~155~~157) "Public Way" means any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.

(~~156~~158) "Public Works Department" means the Public Works Department of West Valley City.

- (157) "Reasonable Notice" means notice that meets the following requirements:
- (a) Posted notice of the hearing or meeting in at least three public places within the City and published notice of the hearing or meeting in a newspaper of general circulation in the City; or
 - (b) Actual notice of the hearing or meeting.
- (158) "Reception Center" means building, together with its accessory buildings and uses, which is a place of assembly with the predominant purpose of hosting single events or a series of events, either of which is not to exceed a seventy-two (72) hour period, occurring alone or as part of another activity or business, to which the public is invited or, upon payment of an admission charge, is permitted to watch, listen, or participate, or which is conducted for the purpose of holding the attention of, gaining the attention of, diverting the attention of, or amusing guests or patrons, including:
- (a) presentations by single or multiple performers, such as a hypnotist, pantomime, comedian, musical song or dance act, play, concert, any type of contest, sporting event, exhibition, carnival, rodeo or circus act, athletic competition, demonstration of talent, show, review, or any other similar activity which may be attended by members of the public;
 - (b) dancing to live or recorded music;
 - (c) the presentation of recorded music played on equipment by a person commonly known as a "DJ" or "disk jockey;" or
 - (d) any other event promoted by a bona fide incorporated association, non-profit organization, corporation, church, or political organization, recognized subordinate lodge, chapter, or public fairs, stock and other animal shows, celebrations, fiestas, occasional athletic contests and similar events. Public, private and charter schools are exempt from this section.
- (159) "Recreation, Commercial" means recreational facilities operated as a business and open to the general public for a fee, such as golf driving ranges and baseball batting ranges.
- (160) "Recreation Vehicle" means any vehicle which is designed to be transported on its own wheels and is intended to be used as temporary living quarters for travel, recreation or vacation purposes. Recreation vehicles may or may not include one or all of the accommodations and facilities provided in a mobile home. This term shall include the terms "vacation vehicle," "truck-camper," "tent-trailer," "motor home," or "travel trailer."
- (161) "Recreational Facility Beer Retailer" means a business licensed to sell beer and permit consumption thereof at recreation facilities, excluding public parks. Under this license, no beer is sold in the original containers, but must first be emptied into suitable temporary containers. All sales and deliveries are made directly to the ultimate consumer. Beer is not permitted, or consumed, except that which is purchased on the licensed premises.
- (162) "Regional Shopping Mall" means a shopping center with three or more department stores, a combined building size over 500,000 square feet and a minimum site area of 50 acres.
- (163) "Religious Institution" means a building which is used primarily for religious worship and related religious activities.
- (164) "Reservation of Land" refers to land set aside for public use within a subdivision, such land to be developed and maintained by the subdivider or by the residents of the subdivision.
- (165) "Residence" means a permanent domicile or dwelling place, abode, or habitation that is intended as a primary home or dwelling, as opposed to a place of temporary, limited, or transient visit.
- (166) "Residential Facility for Elderly Persons:"
- (a) "Residential Facility for Elderly Persons" means a single-family or multiple-family dwelling unit that meets the requirements of Part 5 of Title 10, Chapter 9, UCA, and this Title.
 - (b) "Residential Facility for Elderly Persons" does not include a health facility as

defined in subsection 26-21-2, UCA.

~~(167)~~¹⁶⁹ "Restaurant" means any place of business where the predominant purpose is the preparation of food and drinks which are served and offered for sale or sold for human consumption on or off the premises at a facility which may be equipped to offer supplemental entertainment.

~~(168)~~¹⁷⁰ "Restaurant Liquor Retailer" means a restaurant that maintains a liquor license subject to the applicable provisions of the Alcoholic Beverage Control Act.

~~(169)~~¹⁷¹ "Restaurant On-Premises Beer Retailer" means a licensed place of business in connection with a bona fide restaurant wherein beer is sold for consumption on the premises provided that the sale of beer is less than 30 percent of the gross dollar volume in accordance with the Alcoholic Beverage Control Act and the West Valley City Code.

~~(170)~~¹⁷² "Right-of-way" means a public or private strip of land used or intended to be used for a street, sidewalk, sanitary or storm sewer, drainage, or other use.

~~(171)~~¹⁷³ "Sanitary Landfill" means a land disposal site where solid waste is disposed of using sanitary landfilling techniques including, but not limited to, an engineered method of disposing of solid waste on land in a manner that does not create a nuisance or health hazard and that protects the environment by spreading the waste in thin layers, compacting it to the smallest practical volume, confining it to the smallest practical area and covering it with soil by the end of each working day, or as often as may be directed by the Board of Health.

~~(172)~~¹⁷⁴ "Schematic Plan" means a sketch prior to the preliminary plat for major subdivisions or prior to final plat in the case of minor subdivisions to enable the subdivider to save time and expense in reaching general agreement with the Planning and Zoning Division as to the form of the plat and the objectives of these regulations.

~~(173)~~¹⁷⁵ "School" means:

- (a) An institution recognized as satisfying the requirements of public education and having an academic curriculum similar to that ordinarily given in public schools. This definition does not apply to home occupations represented as schools, i.e., dance, music, crafts, child nurseries, etc.
- (b) For purposes of sexually-oriented businesses, "school" means an institution of learning or instruction primarily catering to minors, whether public or private, who is licensed as such a facility by either the City or the State. This definition shall include, but not be limited to, kindergartens, elementary schools, junior high schools, middle high schools, senior high schools, or any special institution of learning under the jurisdiction of the State Department of Education, but not including trade schools, charm schools, dancing schools, music schools or similar limited schools, nor public or private universities or colleges.

~~(174)~~¹⁷⁶ "Secondhand Store" means any location of a store, office or place of business which is engaged in the purchase, barter, exchange or sale of any secondhand merchandise of value or in the business of dealing in secondhand goods. Secondhand store shall not be meant to include a place of business dealing in the purchase, barter, exchange or sale of used motor vehicles and trailers, but shall include any business which buys or sells five or more firearms per year.

~~(175)~~¹⁷⁷ "Shopping Center" means a group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit.

~~(176)~~¹⁷⁸ "Sidewalk" means a passageway for pedestrians, excluding motor vehicles.

~~(177)~~¹⁷⁹ "Site Plan" means a plan of existing or proposed development which graphically shows existing and proposed topography, buildings, structures, landscaping, streets, property lines, essential dimensions, and any other information deemed necessary by the City.

~~(178)~~¹⁸⁰ "Small Brewer" means a Brew Restaurant with or without a liquor license which in addition to retail sale and on-site consumption in connection with a restaurant, markets beer wholesale in an amount not to exceed (60,000) barrels per year where revenue from the sale of beer is less than 30 percent of the gross dollar volume of the business, including what is commonly known as a microbrewery.

~~(179)~~181) "Sound Wall" means a concrete or masonry wall constructed adjacent to a major arterial street or freeway for the purpose of creating a noise and access barrier. A sound wall may exceed the six-foot height limitations found in Section 7-2-118.

~~(180)~~182) "Special District" means all entities established under the authority of Title 17A and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the State.

~~(181)~~183) "Stable, Private" means a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

~~(182)~~184) "Stable, Public" means a stable other than a private stable.

~~(183)~~185) "State Store" means an outlet for the sale of package liquor located on premises owned or leased by the State of Utah and operated by State Employees. This term does not apply to restaurants, private clubs, or package agencies.

~~(184)~~186) "Story" means the space within a building having clear headroom of seven feet or over; on a second floor, all finished or unfinished space having clear headroom of seven feet or over for a minimum horizontal distance of eight feet.

~~(185)~~187) "Story, Half" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

~~(186)~~188) "Street" means public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

~~(187)~~189) "Structure" means anything constructed or erected on or below the ground, including signs and billboards, but not including fences or walls used as fences which are six feet or less in height.

~~(188)~~190) "Structural Alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

~~(189)~~191) "Studios" means a facility used for the instruction of specialized talents and skills.

~~(190)~~192) "Subdivider" means the owner of the real property proposed to be subdivided, including any successors or assigns.

~~(191)~~193) (a) "Subdivision" means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

(i) The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument; and

(ii) Except as otherwise provided in this subsection, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

(i) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;

(ii) A recorded agreement between owners of adjoining properties adjusting their mutual boundaries if:

(A) No new lot is created; and

(B) The adjustment does not result in a violation of applicable

- zoning ordinances; or
- (iii) A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.
 - (d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “ subdivision” under this subsection as to the unsubdivided parcel of property or subject the unsubdivided parcel to the provisions of Chapter 7-19, “ Subdivision.”
- (192194) "Subdivision, Major" means all subdivisions including but not limited to subdivisions of 10 or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities.
- (193195) "Subdivision, Minor" means any subdivision of land that results in nine or fewer lots, provided that each lot thereby created has frontage on an improved public street or streets, and providing further that there is not created by the subdivision any new street or streets.
- (194196) "Substantial Improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either:
- (a) Before the improvement or repair is started; or
 - (b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term, however, does not include either:
 - (a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - (b) Any alteration of a structure listed on the National Register or Historic Places or a State Inventory of Historic Places.
- (195197) "Supermarket" means a retail establishment with net floor area over 5000 square feet which offers the consumer a full range of food, and other household products. Supermarkets may include in-store bakeries, fresh meat counters, pharmacies, and fresh produce, among other things.
- (196198) "Supplemental Entertainment" means entertainment which is present at restaurants, for which no tickets are sold or entry fees are charged, and is funded, if at all, solely by the restaurant operators and unsolicited patron gratuity.
- (197199) "Survey Monument" means a mark affixed to a permanent object along a line of survey to furnish a survey control.
- (198200) "Tattoo" means a mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin, excluding permanent cosmetics.
- (199201) "Tattoo Establishment" means any location, place, area, structure, or business used for the practice of tattooing or the instruction of tattooing, excluding permanent cosmetics establishments.
- (200202) "Tavern" means a licensed place of business wherein the primary or main business is that of selling beer for consumption on the premises in accordance with the Alcoholic Beverage Control Act and the West Valley City Code, specifically 17-2-118 and includes a beer bar, parlor, lounge, cabaret, and night club where the revenue from the sale of beer exceeds 30 percent of the revenue from the sale of food although food need not be sold.
- (201203) "Temporary non-residential building" means a building incidental to construction work, such as a construction trailer, or a temporary sales office for the sale or lease of dwelling units.
- (202204) "Temporary Residential Storage Container" means a fully enclosed structure uniquely designed for short term storage of household or remodeling goods and for portable use via transport vehicle. These structures can be represented by a variety of sizes but do not have permanent

foundations.

~~(203)~~²⁰⁵ "Temporary Use" means a use which is not permanent, but is transient or seasonal in nature.

~~(204)~~²⁰⁶ "Towing and impound yard" means the temporary storage of vehicles that have been towed, carried, hauled, or pushed from public or private property for impoundment in a public or private impound yard. This use does not include "automotive sales and service" or "vehicle recycling facility."

~~(205)~~²⁰⁷ "Transportation and Public Ways Ordinance" means the West Valley City Transportation and Public Ways Ordinance as presently adopted and as amended in the future.

~~(206)~~²⁰⁸ "Truck Transfer Company" means a facility serving as a transfer or storage point for a truck freight line and may include office, parking, dispatch, handling, maintenance, and storage facilities.

~~(207)~~²⁰⁹ "Twin Home" means a building arranged or designed to be occupied by two families which have a common wall along a common lot line where the two families have separate ownership.

~~(208)~~²¹⁰ "Use" means any legal purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation legally carried on in a building, structure, or on a tract of land.

~~(209)~~²¹¹ "Variance" means a device which grants a property owner relief from certain provisions of the Zoning Ordinance when the property owner has met the burden of showing that all requirements of this Title and state law have been met.

~~(210)~~²¹² "Vehicle recycling facility" means the outside storage of, or use of property as a storage yard for, operative or inoperative automobiles or trucks; or junk yard, salvage yard, tow truck service, or wrecker service, which may include but is not limited to:

- (a) outside storage of two or more used vehicles, or used vehicle parts regardless of completeness, operational ability, condition, time frame, or reason, or
- (b) the storage of any number of used vehicles or used vehicle parts for the purpose of dismantling, stripping, salvaging or selling all or part of the vehicle, except that the storage of any number of vehicles or equipment within the confines of an enclosed building shall not constitute a vehicle recycling facility and shall not be required to comply with the design guidelines and site requirements of this Ordinance. All other site requirements of the underlying zone in which the facility is located will apply. Notwithstanding any provisions of this Ordinance to the contrary, "vehicle recycling facility" does not include "automotive sales and service" as otherwise defined in the West Valley City Municipal Code.

~~(211)~~²¹³ "Water and Sewer Improvement Districts means the Granger/Hunter Improvement District, the Magna Improvement District, the Taylorsville-Bennion Improvement District, and any other water or sewer improvement district existing or hereinafter organized, whichever has jurisdiction over the land proposed to be subdivided.

~~(212)~~²¹⁴ "Yard" means a space on a lot, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

~~(213)~~²¹⁵ "Yard, Front" means a space on the same lot with a building between the front of the building and the front lot line, and extending across the full width of the lot. The "depth" or setback is the minimum distance between the front lot line and the closest point of the front of the building. On corner lots, the front yard is the yard which the primary entrance to the building faces.

~~(214)~~²¹⁶ "Yard, Rear" means a space on the same lot with a building, opposite the front yard, between the rear of the building and the rear lotline and extending the full width of the lot. The "depth" of the rear yard for determining the rear setback is the minimum distance between the rear lot line and the rear line of the building.

~~(215)~~²¹⁷ "Yard, Side" means a space on the same lot with a building between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the

side yard shall be the minimum distance between the side lot line and the side line of the building.

(216218) "Zoning" means the basic means of land use control employed by the City. Zoning divides the community into districts (zones), establishes land use standards in each district, specifies allowed uses, intensity and density of such uses, and the bulk of buildings on the land.

(217219) "Zoning Ordinance" means the West Valley City Zoning Ordinance as presently adopted and as amended in the future.

Section 3. Enactment. Chapter 7-30 of Title 7 of the West Valley City Municipal Code is hereby enacted to read as follows:

CHAPTER 7-30
GENERAL RESTRICTIONS FOR FOOD VENDING UNITS

Sections:

7-30-101. General Restrictions for Food Vending Units.
7-30-102. Location.
7-30-103. Mobile Food Vending Units.

7-30-101. GENERAL RESTRICTIONS FOR FOOD VENDING UNITS.

(1) All food vending units shall be maintained in good condition and repair and constructed of surface materials that are smooth, easily cleanable, corrosion resistant, nontoxic, stable, non-absorbant of odors and constructed in accordance with the Salt Lake Valley Health Department regulations.

(2) A portable fire extinguisher Type 2A-10 BC minimum must be mounted a minimum of three feet (3') from any open flame or cooking area.

(3) Extension cords used for power to food vending units must be U.L. listed for outdoor use, sized for the connected electrical loads and protected by a circuit breaker in accordance with the current National Electrical Code.

(4) Extension cords may not be used in lieu of permanent wiring

(5) Electrical wiring exposed to the weather must be listed for outdoor use.

(6) Electrical receptacles must have Ground Fault Circuit Interrupters.

(7) All electrical wire splices must occur inside a closed electrical box.

(8) All lighting must have shatterproof bulbs or guards

(9) Electrical panels used for cooling, lighting or power must have a disconnecting means.

(10) LP (propane) tanks shall be mounted and secured outside of the vehicle/unit and shall be kept a minimum of three feet (3') from any open flame. No freestanding propane bottles or bottles mounted in the interior of a vehicle/unit are permitted.

(11) When occupants cook inside the unit or vehicle one 24" wide exit door must be provided with a minimum 24" clear exit access aisle throughout the unit or vehicle interior.

(12) Any cooking conducted within an enclosed structure must have a Type 1 commercial cooking hood with a UL-300 wet suppression system complete with Type K extinguisher per NFPA 17A.

(13) Hood must be initially approved by the West Valley City Fire Department and annually tagged for compliance.

(14) Trash receptacle must be provided for patrons.

(15) All portable and permanent signs, which are not attached to the unit or vehicle are prohibited, including but not limited to menu boards.

(16) Signage shall be attached to the food vending unit and occupy no more than 8 square feet on each side of the unit.

(17) A food vending unit shall not exceed a width of eight feet (8') and a length of nineteen feet (19'), including the hitch.

7-30-102. LOCATION.

(1) Food vending units and vehicles are allowed only in the BRP , C-2, C-3 and M zones.

(2) Permitted only in a designated area on private property with a licensed and operational business on site.

7-30-103. MOBILE FOOD VENDING UNITS.

(1) Signage shall be attached to the mobile food vending vehicle and occupy no more than 24 square feet on each side of the vehicle.

Section 4. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2008.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER